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12 *Corning Optical Communications LLC*

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 Dali Wireless, Inc.,

17 Plaintiff,

18 v.

19 Corning Optical Communications LLC,

20 Defendant.

Case No. 3:20-cv-06469-EMC

**DECLARATION OF ROSS R. BARTON IN
SUPPORT OF CORNING'S MOTION FOR
JUDGMENT ON THE PLEADINGS**

1 I, Ross R. Barton, make the following declaration:

2 1. I am an attorney licensed to practice law in the State of North Carolina and the
3 Commonwealth of Virginia. I am a Partner in the law firm of Alston & Bird LLP and counsel for
4 Defendant Corning Optical Communications LLC (“Corning”). I am over 18 years of age and am
5 competent to testify as to the matters set forth herein. I make the following statement based on my
6 own personal knowledge, unless expressly stated otherwise.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of Dali’s September 20, 2021
8 Second Amended Complaint filed in this Action. The yellow highlights denote the allegations Dali
9 added in its Second Amended Complaint following the Court granting Corning’s Motion for
10 Judgment on the Pleadings, with leave to amend.

11 3. Attached hereto as **Exhibit 2** is a true and correct copy of the February 1, 2022 Order
12 (Public Version) in *Dali Wireless, Inc. v. Corning, Inc. et al.*, Case No. 6:20-cv-01108-ADA, where
13 Judge Albright denied Dali’s Motion for Leave to File a First Amended Complaint.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed on February 18, 2022.

17 /s/ Ross R. Barton

18 Ross R. Barton
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